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OFFICE OF PETITIONS

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In re Application of
David M. Ruiz
Application No. 10/805,037
Filed: 03/19/2004
Attorney Docket No. 848-P-1-USA

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed February 15, 2008, to withdraw the holding of abandonment for the above-identified application.

On December 22, 2006, the Office mailed a non-final Office action, which set three-month shortened statutory period for reply. Accordingly, the last day for filing a reply with an extension of time for response within the third month was June 22, 2007.

In the present petition, applicants asserted that they filed a timely reply to the non-final Office action of December 22, 2006. In support of the assertion, applicants submitted a copy of the reply and a copy of a date-stamped postcard receipt, acknowledging receipt of the response, a Declaration and Power of Attorney, a request for an extension of time within the third month, and a check in the amount of \$510.00 by the USPTO on June 21, 2007.

Upon reviewing the record, the Office has located the reply, the Declaration and Power of Attorney, and the request for an extension of time within the third month (and fee) in the Image File Wrapper filed on June 21, 2007. Accordingly, the reply is considered timely filed on June 21, 2007. The petition under 37 CFR 1.181 is **granted**. The holding of abandonment is hereby withdrawn. The application is restored to pending status, as the reply was timely filed.

The matter is being referred to Technology Center Art Unit 2629 for a review of the reply filed on June 21, 2007.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3211. All other questions regarding the status of the application or the examination procedures should be directed to the Technology Center.

Christina Tartera Donnell

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